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13
14 Attorneys for Plaintiffs

15 UNITED STATES DISTRICT COURT

16 DISTRICT OF NEVADA

17 ANGELA WILLIAMS; JANE DOE #1; JANE
18 DOE #2,

19 Plaintiffs,

20 vs.

21 STEVE SISOLAK, Governor of Nevada, in his
22 official capacity; AARON FORD, Attorney
General of Nevada, in his official capacity; THE
23 CITY OF LAS VEGAS; CLARK COUNTY;
24 NYE COUNTY; WESTERN BEST, INC.
25 D/B/A CHICKEN RANCH; WESTERN BEST
26 LLC; JAMAL RASHID; MALLY MALL
27 MUSIC, LLC; FUTURE MUSIC, LLC; PF
28 SOCIAL MEDIA MANAGEMENT, LLC; E.P.
SANCTUARY; BLU MAGIC MUSIC, LLC;
EXCLUSIVE BEAUTY LOUNGE LLC;
FIRST INVESTMENT PROPERTY LLC;

Case No.: 2:21-cv-01676-APG-VCF

Dept. No.:

**FIRST AMENDED JOINT
[PROPOSED] DISCOVERY PLAN AND
SCHEDULING ORDER (PURSUANT
TO ECF NO. 213)**

**SPECIAL SCHEDULING REVIEW
REQUESTED**

V.I.P. ENTERTAINMENT, LLC; MP3
PRODUCTIONS, INC.; MMM
PRODUCTIONS, INC.; SHAC, LLC D/B/A
SAPPHIRE GENTLEMAN'S CLUB AND/OR
SAPPHIRE; SHAC MT, LLC; and LAS
VEGAS BISTRO, LLC D/B/A LARRY
FLYNT'S HUSTLER CLUB;

Defendants.

Plaintiffs ANGELA WILLIAMS; JANE DOE #1; AND JANE DOE #2, by and
through their counsel of record, GUINASSO LAW, LTD. and NATIONAL CENTER ON
SEXUAL EXPLOITATION; Defendants LAS VEGAS BISTRO, LLC D/B/A LARRY
FLYNTS HUSTLER CLUB by and through its counsel of record SHAFER & ASSOCIATES,
P.C.; WESTERN BEST, INC. D/B/A CHICKEN RANCH and WESTERN BEST, LLC by
and through its counsel of record FOX ROTHSCHILD LLP; SHAC, LLC DBA SAPPHIRE
GENTLEMAN'S CLUB and/or SAPPHIRE and SHAC, MT, LLC (collectively, "SHAC
Defendants"), by and through their counsel of record LEWIS ROCA ROTHGERBER
CHRISTIE, LLP; hereby submit this First Amended Proposed Joint Discovery Plan and
Scheduling Order, pursuant to ECF No. 213.^{1, 2}

¹ Defendants Steven Sisolak, Aaron Ford, Clark County, Nye County, and the City of Las Vegas were dismissed from this matter on November 7, 2022 (ECF No. 192); this case was stayed pending Plaintiffs' appeal of ECF 192; The Ninth Circuit issued its decision affirming this Court's dismissal order as to the government defendants in December 2023. (ECF No. 198). On June 21, 2024, this Court lifted the Stay (ECF No. 209).

² Defendant Las Vegas Bistro, LLC states that pursuant to Doc. 112, its deadlines are presently abated pending the Court's entry of its final order on Plaintiffs' Motion for Protective Order, [Doc. 50, and/or the to-be-filed renewed motion for protective order, because on January 10, 2022, this Court ordered (ECF No. 123) that the Clerk of Court administratively remove the Motions for Protective Order (ECF No. 2 and 50) from the list of undecided motions on the Court's docket until further order of the court, and that no oppositions to the Motions for Protective Order have been filed]. Defendant Las Vegas Bistro, LLC and the SHAC Defendants do not wish to take any actions that could be construed as inconsistent with the right to arbitrate and do not waive their respective rights to arbitrate in this matter. Therefore, Defendant Las Vegas Bistro, LLC joins this First Amended Joint [Proposed] Discovery Plan and Scheduling Order pursuant to the Court's order to meet and confer and submits a new discovery plan and scheduling order, [Doc. 213], and only to the extent that the relief requested hereby is consistent with its current status in the case, i.e., that its deadlines remain abated until the Court's entry of its final order on Plaintiffs' Motion for Protective Order, and its rights to arbitrate are preserved. The SHAC Defendants join this First Amended Joint [Proposed] Discovery Plan and Scheduling Order pursuant to the Court's order to meet and confer and submit a new discovery plan and scheduling order, [Doc. 213], and only to

1 On July 17, 2024, a Status Conference was held before the Honorable Magistrate
2 Judge Maximiliano D. Couvillier. (ECF No. 213). At the Status Conference it was ordered
3 that the parties were to meet and confer to submit a new discovery plan and scheduling order
4 by August 2, 2024. Further, it was ordered that Plaintiffs' motion for protective order was to
5 be filed on the same day as the new discovery plan and scheduling order. (ECF No. 213).

6 **Additional FRCP 26(f) Conference.** On July 31, 2024, a meet and confer was
7 held via Zoom Video Conference to discuss the protective order and this Amended Proposed
8 Discovery Plan and Scheduling Order by participating in an additional discovery and
9 scheduling conference (the "Conference") to discuss all of the issues required by Federal Rule
10 Civil Procedure 26(f).

11 Jason D. Guinasso, Esq. and Christen M. Price, Esq. appeared for Plaintiffs; Deanna
12 Forbush, Esq. appeared for Defendants Western Best, LLC, Western Best Inc. d/b/a Chicken
13 Ranch, and Defendant Las Vegas Bistro, LLC dba Larry Flynt's Hustler Club; Ogonna M.
14 Brown, Esq. and Casey T. Wallace, Esq. appeared for SHAC, LLC d/b/a Sapphire
15 Gentleman's Club and/or Sapphire and SHAC MT LLC. The parties' initial disclosures or
16 supplemental disclosures will be made within **30 days after this Court's decision on**
17 **Plaintiffs' Motion for Protective Order.**

18 The Parties now propose the following first amended discovery plan:

19 **A. Statement of the reasons why longer or different time periods should**
20 **apply to the case:**

21 As stated above, Defendants Steven Sisolak, Aaron Ford, Clark County, Nye County,
22 and the City of Las Vegas were dismissed from this matter on November 7, 2022 (ECF No.
23 192); this case was stayed pending Plaintiffs' appeal of ECF 192; The Ninth Circuit issued its
24 decision affirming this Court's dismissal order as to the government defendants in December
25 2023. (ECF No. 198). On June 21, 2024, this Court lifted the Stay (ECF No. 209).

26
27 _____
28 the extent that the relief requested hereby is consistent with its current status in the case, and its right to arbitrate
are preserved.

1 On July 17, 2024, a Status Conference was held before the Honorable Magistrate Judge
2 Maximiliano D. Couvillier. (ECF No. 213). At the Status Conference it was ordered that the
3 parties were to meet and confer to submit a new discovery plan and scheduling order by
4 August 2, 2024. Further, it was ordered that Plaintiffs' motion for protective order was to be
5 filed on the same day as the new discovery plan and scheduling order. (ECF No. 213).
6 Different time periods must apply to this case, because all time periods pursuant to Fed. R.
7 Civ. P. 26(f) and LR 26-1(b) have passed while the stay was in place. The below deadlines
8 have been agreed upon by all the parties.

9 1. **Discovery Cut-Off Date:** The proposed new cut-off date for discovery shall be
10 **Friday, February 28, 2025**. The parties agree to revisit this deadline and remaining deadlines
11 in good faith and as needed based on the availability of the witnesses and/or documents.

12 2. **Amending the Pleadings and Adding Parties:** The proposed new deadline for all
13 motions to amend the pleadings or to add parties shall be filed no later than **November 29,**
14 **2024**, ninety (90) days prior to the proposed new close of discovery.

15 3. **Later Appearing Parties:** A copy of this discovery plan and scheduling order shall
16 be served on any person served after it is entered or, if additional defendants should appear,
17 within five (5) days of their first appearance. This discovery plan and scheduling order shall
18 apply to such later appearing party, unless the Court, on motion and for good cause shown,
19 orders otherwise.

20 4. **Fed. R. Civ. P. 26(a)(2) Disclosures (Experts):** The proposed new deadline for
21 disclosures concerning initial experts shall be made by **Tuesday, December 31, 2024**, sixty
22 (60) days before the proposed discovery cut-off date. The proposed new deadline for
23 disclosures concerning rebuttal experts shall be made by **Thursday, January 30, 2025**, thirty
24 (30) days after the initial disclosure of experts.

25 5. **Dispositive Motions:** The proposed new deadline for filing dispositive motions shall
26 not be later than **March 31, 2025**, thirty (30) days after the proposed discovery cut-off date.
27 In the event that the discovery period is extended from the discovery cut-off date set forth in
28 this proposed discovery plan and scheduling order, the date for filing dispositive motions shall

1 be extended to be not later than thirty (30) days from the subsequent discovery cut-off date.

2 6. **Pretrial Order:** The proposed new deadline for filing the joint pretrial order shall not
3 be later than **Thursday May 1, 2025**, thirty (30) days after the cut-off for filing dispositive
4 motions. **In the event that dispositive motions are filed, the date for filing the joint**
5 **pretrial order shall be suspended until thirty (30) days after the decision on the**
6 **dispositive motions or until further order of the court.** In the further event that the
7 discovery period is extended from the discovery cut-off date set forth in this discovery plan
8 and scheduling order, the date for filing the joint pretrial order shall be extended in accordance
9 with the time periods set forth in this paragraph.

10 7. **Fed. R. Civ. P. 26(a)(3) Disclosures:** The disclosures required by Fed. R. Civ. P.
11 26(a)(3), and any objections hereto, shall be included in the joint pretrial order.

12 8. **Electronic Filing:** The attorneys of record in this matter are registered for electronic
13 filing with this Court. Any documents electronically filed with this Court are deemed to be
14 sufficiently served on the other party as of the date that the document is electronically filed
15 with the Court.

16 9. **Electronic (Email) Service of Documents NOT filed with the Court:** The attorneys
17 of record in this matter communicate via email; and, they have agreed that any documents to
18 be served in this case (other than documents that must be electronically filed with this Court)
19 may be served electronically through email. A document is deemed to be sufficiently served
20 on the other parties as of the date that the document is emailed. The parties may, but are not
21 required, to also mail a paper copy of documents to be served on other parties. If any
22 documents are too large to be served via email, the parties will serve them by regular mail.

23 a. For a document to be deemed served upon Defendant Las Vegas Bistro, LLC
24 under this paragraph, it must be emailed to all of the following email addresses:
25 Zack@BradShaferLaw.com, ECF@BradShaferLaw.com, and
26 dforbush@foxrothschild.com.

27 b. For a document to be deemed served upon the SHAC Defendants under this
28 paragraph, it must be emailed to all of the following email addresses:

1 obrown@lewisroca.com and cwallace@wallaceallen.com.

2 10. **Alternative Dispute Resolution:** In compliance with Local Rule 26-1(b)(7), The
3 parties have previously conferred at the initial FRCP 26(f) conference about the possibility of
4 using alternative dispute-resolution processes including mediation, arbitration, and settlement
5 has been considered and discussed by the parties at the previous FRCP 26(f) conference on
6 December 16, 2021. The parties agree to continue to explore the possibilities of settlement as
7 this case proceeds.

8 11. **Alternative Forms of Case Disposition:** At this time, and subject to any party's
9 jurisdictional defenses, motions, or objections, the parties, except Defendant Las Vegas
10 Bistro, LLC and the SHAC Defendants, which maintain that to the extent that a valid
11 arbitration agreement exists between either of them and either or both of the Plaintiffs, all
12 claims against them must proceed in arbitration and not before the United States District
13 Court, believe that this case is properly suited to proceed before the U.S. District Court. The
14 parties previously considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c)
15 and Fed. R. Civ. P. 73 and the use of the Short Trial Program at the previous FRCP 26 (f)
16 conference on December 16, 2021.

17 12. **Electronic Evidence:** The parties do not at this time anticipate any issues about
18 disclosures or discovery of electronically stored information, if any, including the form or
19 forms in which it should be produced. The parties shall meet and confer and otherwise work
20 in good faith with respect to the production of electronically stored information should any
21 dispute arise. In this case a jury trial has been demanded. The parties certify that they discussed
22 whether they intend to present evidence in electronic format to jurors for the purposes of jury
23 deliberations. To date, no stipulations of the parties have been reached regarding providing
24 discovery in an electronic format compatible with the court's electronic jury evidence display
25 system. The parties will consult the court's website or contact the assigned judge's courtroom
26 administrator for instructions about how to prepare evidence in an electronic format and other
27 requirements for the court's electronic jury evidence display system.

1 **13. Extensions or Modifications of the Discovery Plan and Scheduling Order:** In
2 accordance with Local Rule 26-4, a stipulation or motion for modification or extension of this
3 discovery plan and scheduling order and any deadline contained herein, must be made not
4 later than twenty-one (21) days before the subject deadline.

5 **14. Subjects of Discovery.** Subject to any party's jurisdictional defenses, motions, or
6 objections, the parties agree that discovery may be taken on any subjects permitted by the
7 Federal Rules of Civil Procedure.

8 **15. Discovery Phases.** The parties do not believe it is necessary to conduct discovery in
9 phases.

10 **16. Document Production.** All documents produced in this action will be delivered as
11 either hardcopy documents or Portable Document Format ("PDF") images unless the
12 requesting party specifically requests that any responsive electronic documents be produced
13 in native format.

14 **17. Written Discovery.** The parties mutually agree to provide Word versions of any
15 propounded written discovery requests to the responding party so as to facilitate the process
16 of providing responses.

17 **18. Plaintiffs' Motions For Protective Order and Leave to Proceed Anonymously**

18 The parties conferred regarding proposed revisions to Plaintiffs' proposed protective
19 order. Pursuant to this honorable Court's Order (ECF No. 213), Plaintiffs will be refileing a
20 Motion for Protective Order on the same date as submission of this First Amended Proposed
21 Scheduling Order and However, no agreements have been reached to date. Pursuant to the
22 Court's Order granting Plaintiffs' and Defendant Las Vegas Bistro, LLC's Stipulation to
23 Abate all of Defendant Las Vegas Bistro, LLC's Deadlines, [Doc. 112], Defendant Las Vegas
24 Bistro, LLC's deadlines remain abated pending resolution of Plaintiffs' refiled Motion for
25 Protective Order.

DATED this 5nd day of August, 2024.

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DATED this 5th day of August, 2024.

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1 DATED this 5th day of August, 2024.

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DATED this 5th day of August, 2024.

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SHAC MT LLC*

IT IS SO ORDERED.

Dated this ____ day of _____, 2024.

UNITED STATES JUDGE